

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JESUS ACOSTA ARTICA, JUAN ZELAYA,
NILSON, CABALLERO, JOSE RUIZ, ADONIS
LOBO, and ERNESTO GALEANO, Individually and
on Behalf of all other Employees Similarly Situated,

Plaintiffs,

-against-

ORDER

09-CV-3796 (RER)

J.B. CUSTOM MASONRY & CONCRETE, INC.,
J.B. BATTAGLIA, J.B. CONTRACTING, ALFREDO
J. BATTAGLIA, JOHN BATTAGLIA and
SALVATORE MANNINO, Jointly and Severally,

Defendants.

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JESUS ACOSTA ARTICA, JUAN ZELAYA,
NILSON CABALLERO, JOSE RUIZ, ADONIS
LOBO, ERNESTO GALEANO, HUGO RIVAS,
JAIME RIVAS, Individually and on Behalf of all other
Employees Similarly Situated,

Plaintiffs,

-against-

11-CV-0842 (RER)

J.B. CUSTOM MASONRY & CONCRETE, INC.,
J.B. CUSTOM CORP.; J.B. HOLDING &
PROPERTY CORP., J.B. RESIDENTIAL, LLC,
ALFREDO J. BATTAGLIA, JOHN BATTAGLIA,
JOSEPHINE BATTAGLIA and SALVATORE
MANNINO, Jointly and Severally,

Defendants.

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RAMON E. REYES, JR., U.S.M.J.:


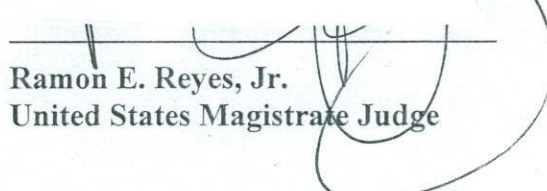
Following defendants' appeal of the final judgments entered in these related cases, the Court ordered defendants to post a cash bond with the Clerk of the Court "in the amount of \$50,000 to ensure payment of the costs of appeal." (09-CV-03796 (RER) Dkt. No. 175;

11-CV-0842 (RER) Dkt. No. 46.) The parties subsequently agreed to resolve all pending litigation and appeals related to these matters. (Dkt. Entries dated 7/23/2013.) The Court approved the parties' settlement agreement on August 28, 2013. (Minute Order dated 8/28/2013.) Pursuant to their settlement agreement, the parties entered into a stipulation withdrawing defendants' appeal, which the Second Circuit "So Ordered" on September 20, 2013. (09-CV-03796 (RER) Dkt. No. 175.)¹

Defendants move by oral application to release the \$50,000 cash bond to use in partial satisfaction of the outstanding settlement amount. Plaintiffs do not oppose the application. By virtue of the parties' settlement agreement, and based on the parties' representation that the settlement will be fully consummated on or around January 24, 2014, the Court hereby orders the Clerk of the Court to release the \$50,000 cash bond, together with any applicable interest, to defendants' attorney, Rubinstein & Rubinstein, LLP, by January 23, 2014.

SO ORDERED

Dated: January 22, 2014
Brooklyn, New York

Ramon E. Reyes, Jr.
United States Magistrate Judge

¹ A review of the docket in 11-CV-0842 (RER) reveals that the Second Circuit issued a mandate on December 21, 2012 dismissing the appeal related to that action for failure to pay the filing fee or to move for *in forma pauperis*. (Dkt. No. 49.)